

STATE CRIME LABORATORY COMMISSION MEETING

WEDNESDAY JULY 20, 2016

UNIVERSITY OF RHODE ISLAND

Fogarty Hall Room 28

41 Lower College Road

KINGSTON, RHODE ISLAND

In attendance were Gerald Coyne, Deputy Attorney General from Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Associate Dean Brian Quilliam, designee for Dean Paul Larrat, URI; Colonel David Randall, RI Police Chiefs Designee; Corporal Kenneth DeMarco, RISP; Nancy Haley; Robin Smith DOH; Dennis Lyons, RISCL; Ryan Carrillo, URI Architect Planning Committee; Linda Barrett, URI Chief Budget Officer; Mattie Russell, RISCL Intern; Mark Zabinski, RISCL.

I. INTRODUCTION

A. Welcome to Commission Members

The meeting was called to order at 11:16 AM. Mr. Coyne welcomed all present to the meeting. Director Hilliard then introduced members of the RISCL Staff who were present at the meeting, along with Dean Brian Quilliam who was the Designee for Dean Paul Larrat, Ryan Carrillo from University Architect Planning Committee and Linda Barrett from URI Budget Office. Director Hilliard also informed the Commission that Colonel Randall was officially appointed as the RIPC representative by the Governor. He also informed the

Commission that after the last Commission meeting Clay Choquette resigned his position as a member of the RISCL Commission due to health reasons. He further informed the Commission that he and Mr. Coyne had discussed the vacancy on the Commission and two names were submitted to the Governor's office. The individuals that were recommended are retired Captain of the Providence Police Department James Desmarais who is an instructor at Johnson & Wales University and retired Deputy Chief of Providence Police Department Steven Melaragno, who is Director of Public Safety at Roger Williams University. Both individuals are familiar with the Crime Laboratory and Crime School. Unfortunately, this will have to wait until the Senate session starts again in January of 2017.

B. Approve Minutes of April 14, 2016

Mr. Coyne asked to approve the minutes of the April 14, 2016 meeting. Nancy Haley made a motion to approve the minutes and it was seconded by Chief David Randall. All were in favor and the minutes were approved. The meeting at this point was turned over to Director Hilliard.

II. LABORATORY STATUS

A. Laboratory Progress Report

a. January thru June 30, 2016

Packets were distributed at the start of the meeting which included a cover letter to Attorney General Peter Kilmartin including the second quarter report of the Laboratory. Highlights show that there has been a 23% increase in case load when compared to the same period last year and about a 25% increase in exhibits that were submitted to the Laboratory. Types of cases which increased during this period include assault with a dangerous weapon, Auto theft, B&E, Firearm violations (which was the largest increase) homicide, and larceny. Decreases were in arson, recovered firearm, sexual assault, the largest was in arson cases. Departments with increased submissions were ATF, Coventry, Cumberland, Pawtucket, Providence, and Woonsocket. The largest increase in cases submitted was from Pawtucket which went from two last year to thirty-three this year. This seems to be due to the loss of Roy Persson in the AG's Office. Director Hilliard then asked Deputy Coyne if he had heard any news as to when or if Roy would be back. Mr. Coyne, said that there has been no word on when or if he is expected to return to work. Departments with decreased submissions to the Laboratory were Cranston, North Providence, and Providence Fire Department. The largest decrease was from North Providence.

The Laboratory Staff has given 24 lectures and seminars during this period which included six workshops for police officers including evidence handling, hit & run, etc. which are included in the report.

Staff members attended 17 training programs both online and away at conferences.

There have been 16 tours of the State Crime Laboratory and 6 media interviews many of which had to do with the induction of Director Hilliard into the Rhode Island Criminal Justice Hall of Fame.

There were 29 graduates of Law Enforcement Officers from the course in Criminal Investigation which was in April, 2016. Right now there is a list of 36 officers who are scheduled to start the class in September, 2016. There are three individuals on the waiting list.

Director Hilliard asked if there were any questions - Deputy Coyne then asked if we could go back to the increase in caseload. He asked if there was any particular type of case which increased. Director Hilliard stated that the cases were mostly breaking and entering cases and relates to mostly latent print work. Director Hilliard stated that Mark Zabinski would know better. Mark stated that it was confirmed that it had to do with B&E work.

Director Hilliard then asked if there were any further questions. None.

b. AFIS Connectivity/Searches

In terms of AFIS connectivity issues. At the last meeting there was discussion relating to issues associated with the new system. Mark Zabinski has been working with members of the AG's office as well as 3M Cogent. Director Hilliard then asked Mark to bring the Commission up to date on that issue. Mr. Zabinski then stated that he has been working with members of the AG's office as well as 3M Cogent. It seems to be working slowly but is going in the right direction. The whole project has been a significant benefit to the State

of Rhode Island. Once all the glitches are worked out with the software it will ultimately produce a better quality set of prints. Connections to the FBI have improved but there are still some issues which are being worked on. As a result of this success there has been an increase in getting cases done. Reports are getting out faster, cutting down on the backlog of case load.

Director Hilliard then stated that in the packet a list is enclosed which shows the number of latent print cases submitted and worked on, which dates back to 2013. This demonstrates the number of cases worked verses the number of submission. The report definitely shows an increase in submissions and backlog particularly in the past year or so. This is partly due to Roy Persson not being available, and also some cases from Providence are being submitted as their AFIS system is not operable. Part of the increase is due to RISCL training and workshops in latent prints. Anytime an officer receives new training in techniques he then applies them and more cases are submitted. More evidence is being collected now at Crime scenes and being submitted. This was also noted back in the 1980's when there were arson seminars given, there was a big increase in arson cases submitted. Evidence is being collected better at crime scenes due to the training. Robin Smith also agrees that the evidence is more effective as she sees an increase with DNA collection.

Chief Randall then asked if there was still an issue with fingerprints. Mark stated that he just received an email today which he did not have a chance to read but it seems that the issue that was present and discussed at the last meeting has been resolved. Now they are

able to get hits on prints submitted. Director Hilliard then stated that most of the issues that were discussed at the last meeting have been or are in the process of being resolved through work between Ed Cabral of the AG's office, 3M Cogent, and Mark Zabinski. The problem of searching palm prints has also been resolved. The new system seems to be catching up to what the old system was and is improving upon the old system. Once the FBI connection is made it will allow searches to expand to Connecticut and Massachusetts.

c. Firearms Backlog Issues/Bullet Recovery Tank Relocation

The firearm backlog issue is basically resolved. Dennis Lyons is present for any questions. There was a meeting with ATF, Deputy AG Coyne was present, as well as several members of the Providence Police Department in which ATF had asked us to expedite NIBIN cases and they made suggestions as to how to achieve this. Director Hilliard stated that he had prepared a letter to ATF addressing their suggestions of releasing unconfirmed hits and at this time the Laboratory is not going to do that because of the fact that there are now three Examiners where in previous years there were none and they feel that they can address the NIBIN issues in a relatively quickly fashion. Director Hilliard explained that they have undertaken triage. Sergeant DeMarco then interrupted and questioned ATF's suggestion about releasing unconfirmed hits. Director Hilliard confirmed that yes that was their suggestion, and also that several laboratories are already doing this – Connecticut, Denver, Oakland PD, Kansas. Dennis Lyons then explained that ATF suggested that cartridge cases be put in and if there are no hits then the case should be shelved and

they go onto the next case. He then explained that only verified cases are being reported. Mr. Coyne then asked if ATF was looking for a response to their recommendations and Director Hilliard stated that they are. Mr. Coyne then stated that if the case can be verified in five days there should be no issue. Another issue that was addressed is that reports to Providence Police now go to a chain of individuals and not one specific person. On the chain are also two individuals from ATF. AFT called for some reports which they stated they did not receive. When looking up the reports it was found that the reports were negative and negative reports are not reported out right away. The Agencies receive positive reports usually within five days. Mr. Coyne stated that a lot of the problems that he saw during the meeting were related to just a breakdown in communication where the reports only going to one person and that this could have been solved with a phone call, and that the problems did not need to get to the level that it reached. Robin Smith then reported to the Commission that they have noticed an increase in swabs taken from firearms being submitted for DNA evidence.

d. Space Allocation

Director Hilliard at this point turned the meeting over to Ryan Carrillo to talk about space allocation. Director Hilliard stated that the Commission is aware of the project at URI. This was reviewed last year and the Eastern Wing is pretty much in the same condition as it was last year. Mr. Carrillo then explained that nearly all of the space on the lower level is allocated to Director Hilliard and his staff. There are five rooms which will be used for offices. Due to previous

flooding, five years ago, restoration needs to be performed. URI will be covering the cost for the renovations. Costs for the remainder of the work of the five offices needed for personnel will be split between URI and RISCL. Other renovations will be paid for by RISCL. The next step is that an architect will need to be hired to assess the project. Completion for the office space for the staff should be sometime September, 2016. Director Hilliard then asked about removal of materials such as the large incubators. Those costs will be discussed. Any questions from the Commission. The Commission members thanked Ryan for attending the meeting.

Robin Smith stated that on the removal of equipment she suggested the Prison Industry come down and remove surplus items. Director Hilliard then stated that some of the items need to be removed mechanically that it is not just pick up. Ryan then stated that the University does not use the Prison Industry as they have off campus workers that they bring in. Director Hilliard then stated that there are mechanical issues such as water, and gas lines which would need to be removed. Technical workers would need to come in and the equipment needs to be broken down to be removed.

e. Limited Period Appointment Bill

S2668 bill passed the Senate but was not taken up by the House HEW Committee prior to the end of the session. Mr. Coyne did provide a letter to Senator Gallo asking that the bill be passed. Apparently the bill passed the Senate side but was not introduced into the House. The bill now will be to be reintroduced in the 2017 session.

f. RI Criminal Justice Hall of Fame Award

Director Hilliard explained that he was inducted into the RI Criminal Justice Hall of Fame in June, 2016. He then informed the Commission that he had on display for the Commission to look at the actual award along with Citations which were presented to him the evening of the ceremony. He further commented that the event was a very nice event.

III. Funding

A. Budget FY 2016

a. Expenditures to date

The allocation for FY2016 was \$1,072,892.00. There was a carryover from FY2015 of \$50,903.00. This amount is carried over for service contracts on equipment. The allocation for FY2016 was recently reduced by the State Budget Office by \$5,535.00, bringing the adjusted budget allocation for FY2016 to \$1,067,357.00. With the carryover amount the total funding for FY2016 is \$1,118,260.00, which is documented on the spreadsheets. Also, as you can see on the spreadsheets, besides monies being allocated for payroll, benefits, etc. there was money programmed for repairs.

B. Budget FY2017 Request

a. The total allocation for FY2017 was \$1,071,393 and the request was for

\$1,319,525.00 The request for \$260,000.00 for the purchase of new equipment was denied, even though letters, emails and testimony

were given before the House and Senate Finance subcommittees and the budget recommended by the Governor was passed.

b. Instrumentation

House Finance Committee Fiscal Note 165

The House Finance Committee did include a note in the budget concerning the funding of the two instruments which had been included in the budget request stating that they recommended that the Attorney General provide \$260,000 to the Laboratory from Google Settlement funds to purchase the new equipment. At this point Director Hilliard asked Linda Barrett from URI to address the Commission regarding this. Linda Barrett then stated that she was under the impression that under the Google fund guidelines that this request would be permissible. Mr. Coyne then addressed this issue and stated that Google funds are to be used based on the needs of the Agency which received the funds and can only be requested by the Head of that Agency. He then stated that if funds were requested and the DOJ deem that these funds were being used for an unlawful project that could be the end of any Google monies being released to that particular Agency. He then stated that he was on call with DOJ regarding these funds and that Rhode Island was mentioned as being abusive in how the particular agencies were utilizing the funds such as being put into Town pension funds. He stated that putting a request in for the equipment money would probably result in funds being suspended. He also stated that the state legislature does not have the authority to spend any of the Google funds which were awarded to the Department of Attorney General. He stated that this

would not be approved by DOJ also because the monies were originally put into a request for State Budget funds and taking them out of a budget request and placing them into a Google request would definitely not be approved by the DOJ. He then stated that he would continue to work on the original request that Director Hilliard had submitted to the Department of Attorney General. Director Hilliard pointed out that a request to fund the equipment in question from Google funds was made directly to the Office of the Attorney General prior to including requests for state funds for this equipment.

C. Other Sources of Funding

a. Byrne FY2014

The balance was expended on partial cost of the Bullet Recovery Tank.

b. Byrne FY 2015

Monies from this grant are being used to pay for computer hardware and software updates. A new high resolution printer was purchased for the new AFIS terminals.

c. Byrne FY2016

Proposal for funding which will provide an internet portal for User Departments to access the Laboratory's LIMS BEAST system which will allow them to pre-log cases, review the progress of the cases and download reports when available.

d. Coverdell FY2015

Funds are being used to provide costs for training and conferences for Laboratory personnel. These funds should be

expended by September, 2016.

e. Coverdell FY2016

These funds are not yet available. Start date was changed from October 1, 2016 to January 1, 2017. Funds are usually not awarded until three to four months after the application has been submitted. The funding should be similar to FY2015, although there is an effort to increase the federal allocation to twenty-five million, previous amounts have been from twelve to fifteen million. There is a proposal to increase the percentage provided to low population states which will include Rhode Island and reduce the amount reserved for directed grant applications.

IV. OTHER BUSINESS

A. Old Business from April 14, 2016 Commission Meeting

Letters have been requested on behalf of the Laboratory from the Commission to Federal Senators and Representatives supporting the Coverdell and Byrne Grants.

B. Federal Initiatives Concerning Forensic Science

a. NIST Organization of Scientific Area Committees: <http://www/nist.gov/forensics/osac.cfm>. Director Hilliard informed the Commission that he would be attending the next meeting of the OSAC from August 1-4, 2016, which will take place in Phoenix, Arizona.

b. National Commission on Forensic

Science:<https://www.justice.gov/ncfs>

These meetings are live streamed and archived. They can have some lively discussion if anyone is interested in listening. Several of the documents developed by the subcommittees are available for a public review. Current documents include recommendations on report writing and testimony in several forensic specialties.

The meeting was adjourned at 12:10 PM.

Minutes taken and transcribed by:

Monica Nason, Department of Attorney